

UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF TENNESSEE
AT GREENEVILLE

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|--------------------------|---|----------------|
| UNITED STATES OF AMERICA |) | |
| |) | |
| v. |) | NO. 2:97-CR-18 |
| |) | NO. 2:98-CR-52 |
| |) | |
| JEFFREY LARGE |) | |

ORDER

This supervised release revocation matter came before the Court on August 22, 2005. At this hearing, the defendant did not contest that he had committed the violations of the conditions of supervised release set forth as violations one (1) and two (2) of the petition for warrant for offender under supervision. It is uncontested the defendant's violation guideline range is now five (5) months to eleven (11) months.

Therefore, the Court finds that the defendant has violated the terms of his supervised release, and it is hereby **ORDERED** that his term of supervised release is **REVOKED**. The Court has carefully considered the policy statements of Chapter 7 of the United States Sentencing Commission Guidelines which reflect a revocation range of five to eleven months. Because the policy statements of Chapter 7 of the *U.S.S.C.G.* are a policy statements and not guidelines, and although the Court must consider these

policy statements, the Court is not bound by them. *U.S. v. West*, 59 F.3d 32 (6th Cir. 1995). Based upon the fact that the defendant has repeatedly violated the terms of his supervised release, and continues to exhibit an inability to avoid illegal drug use, the Court does not find that in the interest of society, or in the interest of rehabilitating this defendant, a sentence within this suggested range is appropriate.

Accordingly, the Court will impose a sentence authorized by Title 18 *U.S.C.* § 3583(e)(3). Therefore, it is hereby **ORDERED** that the defendant is sentenced to serve a term of twenty-five (25) months of incarceration in case No. 2:97CR18, and twenty-four (24) months of incarceration in case No. 2:98CR52, to be served concurrent with the sentence in case No. 2:97CR18, with no further term of supervised release. The Court **RECOMMENDS** that the defendant be admitted to the Bureau of Prisons' 500 hour intensive drug abuse treatment program. The defendant is **REMANDED** to the custody of the United States Marshal.

ENTER:

s/J. RONNIE GREER
UNITED STATES DISTRICT JUDGE